

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3850 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?

4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

SAHAJANAD KRUSHI KARMACHARI CO.OP. HSG. SOCIETY LTD.

Versus

GOVERNMENT OF GUJARAT

Appearance:

MR NIKHIL KARIEL for MR BP TANNA for Petitioners
MR SAMIR DAVE, AGP, for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 25/08/2000

ORAL JUDGEMENT

1. The petitioners by this petition under Article 226 of the Constitution are praying for direction to the respondents to the effect that the petitioner-Society and its members are entitled to get allotment of plots in accordance with the policy of the Government for

allotment of plots to its employees, available at various sectors at Gandhinagar.

2. The Government of Gujarat came out with a resolution regarding allotment of lands for various purposes in Gandhinagar which inter-alia included the policy regarding allotment of lands to Government employees at a cheaper rate. In pursuance to that policy, the Deputy Secretary of the Gujarat Government, Roads and Buildings Division wrote letters to the Heads of all the Departments and conveyed to them that the Government vide its resolution dated 29th June, 1988 has decided to allot plots at various places in Gandhinagar at the rates fixed by the Government to the employees. In this letter it was directed to inform to all the employees in their Departments to apply for land latest by 31st December, 1988.

3. It is not in dispute that the petitioner-Society applied for allotment of land on 31st January, 1989. Its application came to be rejected by the Collector, Gandhinagar under its letter dated 2nd March, 1989 addressed to the President of the petitioner-Society on the ground that the application was required to reach by 31st December, 1988 and since the application was not received in stipulated time by the office, the application of the Society has to be filed and no steps were required to be taken at his end.

4. Learned counsel for the petitioners contended that the petitioners who are the employees of the Agricultural Department of the Government of Gujarat were not informed of this resolution of the Government dated 29th June, 1988 and as such they were not in a position to apply for the allotment of land by 31st December, 1988. It has next been contended that various others Officers/employees of the State of Gujarat were allotted the land after this date and as such it is a case of hostile discrimination as similar treatment was not given to the petitioners.

5. Shri Samir Dave, learned AGP appearing for the respondents contended that the petitioners have not stated in the special civil application how they came to know about this resolution. It is a fact what Shri Samir Dave contended that in view of this notification otherwise also there would not have been occasion for the petitioners to apply for allotment of land on 31st December, 1988. Dealing with the contention of the counsel for the petitioners regarding discrimination in allotment of land to the employees/officers, it is

submitted that the officers/employees to whom land has been allotted after 31st December, 1988 form altogether a different and separate class and as such it is not a case of hostile discrimination.

6. I have given my thoughtful consideration to the submissions made by the learned counsel for the parties.

7. In the special civil application, the petitioners have not stated on which date and through what source they came to know about the resolution of the Government dated 29th June, 1988. The very fact that they applied for this on 31st January, 1989 is suggestive of the fact that they knew of this resolution of the Government and as it is not given that on which date they came to know about it, it has to be presumed and assumed that they knew of the same well in time and it is a case where they have not applied for land within stipulated time and as such the Collector has not committed any illegality whatsoever in rejecting their application.

8. So far as the plea of discrimination is concerned, I am in agreement with the contention of Shri Samir Dave, AGP that those officers/employees to whom the land has been allotted after this date, form altogether a distinct class.

9. In the result, this special civil application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted stands vacated. No order as to costs.

zgs/-